

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-20272

FRANCIS A. SHARRAK,

Defendant.

**ORDER RECEIVING PSYCHOLOGICAL EVALUATION UNDER SEAL,
DECLARING DEFENDANT COMPETENT FOR SENTENCING, AND
CONTINUING APPOINTMENT OF COUNSEL FOR COMPETENCY MATTERS**

On May 4, 2011, the court held a hearing to determine whether Defendant Francis A. Sharrak is competent to proceed to sentencing and to represent himself in the above-captioned case. Before the hearing, Defendant was examined by a licensed psychologist, Ron Nieberding, Ph.D. Nieberding submitted a fourteen-page psychological evaluation of Defendant, which indicates that Defendant is indeed competent. At the hearing, attorney Margaret Raben represented Defendant. Raben noted that the evaluation was undertaken without the aid of medical records covering Defendant's time in Wayne County Jail pending sentencing. The court then heard from Nieberding, who was available to answer questions by telephone. Nieberding's answers indicate that no significant clinical purpose would be served by his review of the Wayne County Jail records. Therefore, the court will receive the evaluation into the record under seal. On the basis of the evaluation and the court's observation of Defendant at the hearing, the court finds Defendant competent both to proceed to

sentencing and to continue representing himself, should he so choose. The schedule previously announced by the court will remain unchanged. Accordingly,

IT IS ORDERED that Nieberding's psychological evaluation is received into evidence under seal.

IT IS FURTHER ORDERED that Defendant is DECLARED competent to proceed to sentencing and to continue representing himself.

IT IS FURTHER ORDERED that attorney Margaret Sind Raben shall continue to be APPOINTED as counsel for Defendant Francis A. Sharrak in all matters relating to his ongoing competency in the above-captioned matter and is DIRECTED to attend the **June 7, 2011**, hearing on Defendant's intent to continue representing himself.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 6, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 6, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522